

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BOBBY DODGE,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendant.

Case No. 3:12-cv-00478-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 33) ("Recommendation") relating to Defendants' Motion for Summary Judgment (dkt. no. 30). Plaintiff had until June 15, 2014, to object to the Recommendation. No objection to the Recommendation has been filed.


This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review

1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
4 district courts are not required to review "any issue that is not the subject of an
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
6 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Cobb's Recommendation. The Magistrate
11 Judge recommended granting on Plaintiff's Eighth Amendment claim that defendants
12 were deliberately indifferent to his safety. Upon reviewing the Recommendation and
13 underlying briefs, this Court finds good cause to adopt the Magistrate Judge's
14 Recommendation in full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 33) be accepted and
17 adopted in its entirety. It is ordered that summary judgment be granted in favor of
18 Defendants and against Plaintiff. The Clerk is instructed to close this case.

19 DATED THIS 10th day of September 2014.

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23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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